



STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.bpu.state.nj.us

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF CSC)
TKR, INC. D/B/A CABLEVISION OF MORRIS)
FOR RENEWAL OF A CERTIFICATE OF)
APPROVAL TO CONTINUE TO OPERATE)
AND MAINTAIN A CABLE TELEVISION)
SYSTEM IN THE BOROUGH OF MOUNTAIN)
LAKES, COUNTY OF MORRIS, STATE OF)
NEW JERSEY)

RENEWAL
CERTIFICATE OF APPROVAL

DOCKET NO. CE02060318

SERVICE LIST ATTACHED

BY THE BOARD:

On December 12, 1974, the Board granted Telecommunications, Inc. a Certificate of Approval for the construction, operation and maintenance of a cable television system in the Borough of Mountain Lakes ("Borough"), in Docket No. 735C-5002. On July 7, 1977, the Board approved the transfer of the Certificate of Approval from Telecommunications, Inc. to Sammons Communications of New Jersey, Inc. ("Sammons"), in Docket No. 775C-6278. On March 25, 1991, the Board granted Sammons a Renewal Certificate of Approval for the Borough in Docket No. CE89090794. On February 28, 1996, in Docket No. CM95080400, the Board approved the transfer of the Certificate of Approval from Sammons to TKR Cable Company d/b/a TKR of Morris ("TKR"). On December 17, 1997, in Docket No. CF97090674, the Board approved the transfer of certain capital stock, along with the applicable Certificate of Approval, from TKR to CSC TKR, Inc. d/b/a Cablevision of Morris ("Petitioner"). Although the Petitioner's

above referenced Certificate expired on December 12, 1999, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on September 13, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On June 25, 2001, the Borough adopted an ordinance granting renewal of municipal consent. On March 26, 2002, the Petitioner formally rejected the ordinance.

On May 31, 2002, pursuant to N.J.S.A. 48:5A-17(d), the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Petitioner alleged that the Borough's action was arbitrary, capricious and its decision was unsupported by the record. On July 23, 2002, the Borough filed an answer to the petition.

Discussions took place between the parties that culminated in a settlement that resolved the matter. Pursuant to those discussions, the Borough adopted an ordinance granting renewal of its municipal consent on December 9, 2002. On April 2, 2003, the Petitioner accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24. On June 2, 2003, the Petitioner filed an amended petition with the Board.

The Board has reviewed the application for municipal consent, the petition and amended petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process.
2. The design and technical specifications of the system shall ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years from the date of issuance of this Certificate. The Board finds this period to be of reasonable duration.
5. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I"). The minimum homes per mile ("HPM") figure is 35.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.

7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is the Borough Clerk. All complaints shall be received and processed in accordance with applicable rules.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 683 Route 10 in Randolph, New Jersey.
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide public, educational, and governmental ("PEG") access services, equipment and facilities as described in the application and the ordinance. Currently, the Petitioner maintains one channel for public and governmental access programming and one channel for educational access. The Petitioner shall provide the Borough access to a studio, production equipment and educational workshops. The Petitioner shall provide one PEG access channel for use solely by the Borough, for non-commercial programming, pursuant to the ordinance.
11. The Petitioner maintains a studio at its Randolph offices, which is available for PEG access usage. The Petitioner provides training workshops to instruct interested community members in the aspects of working the studio. The Petitioner's staff assists various community groups by producing programs.
12. The Petitioner shall provide the Borough a one time grant of \$15,000.00 to be used by the Borough for cable related purposes.
13. Upon request of the Borough, the Petitioner shall provide, free of charge, one standard installation and basic and expanded monthly cable service, to all state accredited public and private elementary and secondary schools, all public libraries and all municipal buildings within the Borough.
14. Upon written request of the Borough, the Petitioner shall provide standard installation and one cable modem and Internet access service to one municipal location designated by the Borough, pursuant to the ordinance. The Borough shall be permitted, at its own cost, to network up to three additional personal computer terminals.
15. Upon written request of the Borough, the Petitioner shall provide one cable modem and Internet access to all state accredited public and private elementary and secondary schools and municipal public libraries within the Borough, free of charge, including standard installation, pursuant to the ordinance. Each school or library may be permitted, at its own cost, to network up to twenty-four additional personal computer terminals to the cable modem provided by the Petitioner. The router, if purchased from

the Petitioner, shall be at a cost not to exceed \$2,000.00. Alternately, the Borough may elect not to purchase the router, and instead, at its own cost, network the cable modem to three additional personal computer terminals, four in total, in the Borough Library and/or the schools.

16. At the request of the Borough, the Petitioner shall meet with Borough representatives to review all matters relating to cable television in the Borough, with the minutes of such meetings to be delivered to the Petitioner and to be filed with the Borough.
17. The Petitioner shall implement a 10% discount for senior citizens who meet the income and residency requirements of the Pharmaceutical Assistance to the Aged and Disabled ("PAAD") program.

Based upon these findings, the Board **HEREBY CONCLUDES** that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready to comply with all applicable rules and regulations imposed by or pursuant to State and federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq. including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or the Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to

and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire ten years from the date of its issuance.

DATED: December 10, 2003

BOARD OF PUBLIC UTILITIES
BY:

(signed)

JEANNE M. FOX
PRESIDENT

(signed)

FREDERICK F. BUTLER
COMMISSIONER

(signed)

CAROL J. MURPHY
COMMISSIONER

(signed)

CONNIE O. HUGHES
COMMISSIONER

(signed)

JACK ALTER
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO
SECRETARY

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